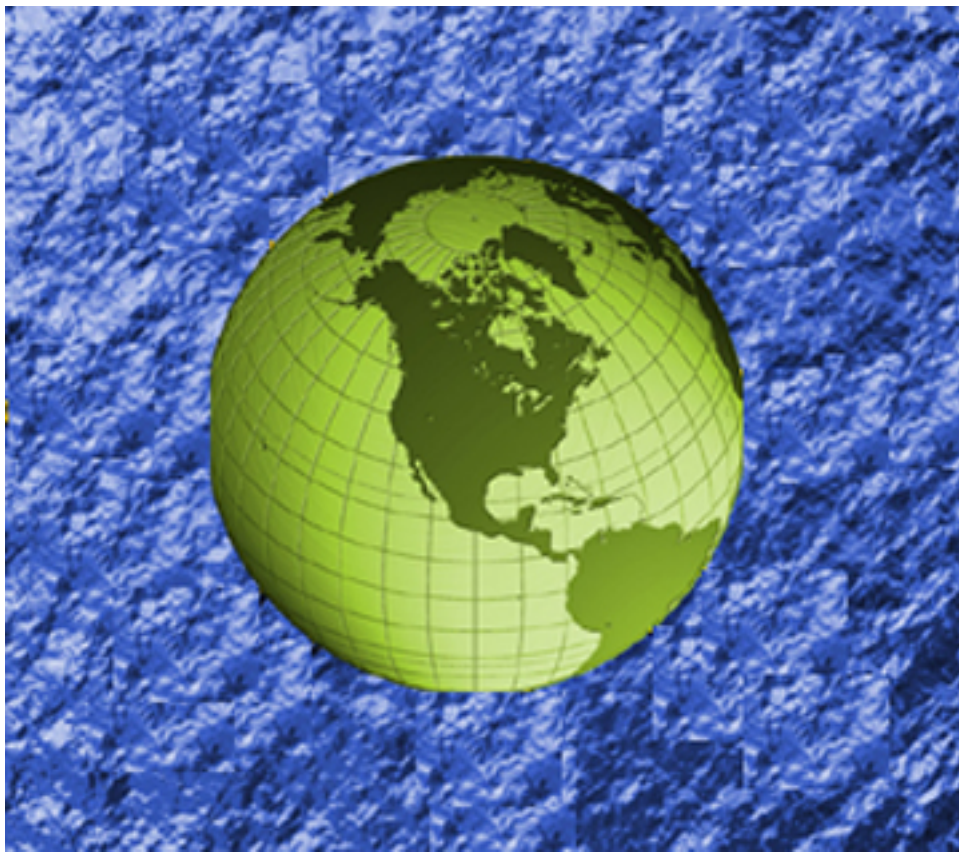


PROTECTING OUR CHILDREN; PROTECTING OUR FUTURE



EARTH DAY 2005 REPORT

APRIL 19, 2005

Protecting Our Children; Protecting Our Future

An Earth Day 2005 Report

On Friday, April 22, the nation celebrates the 35th Earth Day. Unfortunately, since coming into office, at the request of corporate interests, the Bush Administration has been feverishly working to roll back landmark, bipartisan environmental protections – including the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

Instead of protecting our children and the legacy we should be leaving future generations, the Administration has been bending over backwards to bend our environmental laws to meet the needs of special interests.

On Earth Day, Democrats are rededicating ourselves to fighting the Administration's environmental rollbacks, making our air and water cleaner, and protecting our public lands. Specifically, in order to protect our children, our children's health, and our children's future, Democrats are working to:

- Fight GOP efforts to weaken the Clean Air Act;
- Fight GOP efforts to delay controls on toxic mercury emissions;
- Fight GOP efforts to weaken the Clean Water Act;
- Fight GOP efforts to weaken the Safe Drinking Water Act;
- Fight GOP efforts to abandon the “polluter pays” principle for toxic waste cleanup; and
- Fight GOP efforts to open to oil and gas drilling one of the few wild spaces left that we could instead preserve for our children.

This Special Report provides an overview of these damaging six Republican efforts and Democrats' fight to ensure that these efforts are ultimately not successful.

Fighting GOP Efforts to Weaken the Clean Air Act

At the behest of big energy companies, the Bush Administration and Congressional Republicans have been working to weaken the basic protections of the Clean Air Act. An important step in protecting our children's health and leaving our children a legacy is fighting this Republican assault.

The Clean Air Act of 1970 and the Clean Air Act Amendments of 1990 are two of the most successful environmental laws that Congress has ever enacted and have made the air our children breathe dramatically cleaner. Indeed, since the passage of the Clean Air Act in 1970, annual emissions of the six most widespread air pollutants have declined by more than 50 percent, despite major increases in population and economic activity.

Thirty-five years of clean air progress shows that enforcing the Clean Air Act protects public health. It makes no sense to turn our back on success.

And yet, since 2002, the Bush Administration and many Congressional Republicans have been pushing a major rewrite of the Clean Air Act (the so-called “Clear Skies” initiative) – which significantly weakens the Clean Air Act, calling for lower reductions in air pollution than required

under current law. These proposed changes represent a major rollback of clean air enforcement rules for the oldest and dirtiest power plants. This “Clear Skies” initiative is written for big energy companies that are trying to buy their way out of following current air pollution laws.

The American Lung Association has labeled the President’s “Clear Skies” initiative “the most harmful and unlawful air pollution initiative ever undertaken by the federal government.”

Fortunately, on March 9, 2005, Sen. Jeffords (I-VT), one Republican, and all seven Democrats on the Senate Environment and Public Works Committee succeeded in blocking the President’s Clear Skies initiative in committee – by a tie vote of 9 to 9. In a press release, celebrating the defeat of the bill, Sen. Jeffords pointed out:

“We must strive to build upon the success of the Clean Air Act, not gut it. The Bush Administration’s corporate air pollution bill stops enforcement of the Clean Air Act and allows the oldest, dirtiest power plants to increase pollution without installing anti-pollution technology... In addition, the big utilities are essentially given ten extra years to pollute.”

Blocking “Clear Skies” is particularly important for our children. Giving industries the ability to continue to pollute would have damaging effects on our children’s health – especially those with asthma and other lung diseases.

Asthma is now the most common chronic illness among children in the United States, as well as the leading cause of school absences due to illness. Five million American children are now estimated to have asthma.

Environmental factors, particularly poor air quality, trigger many asthma attacks. And children are especially susceptible to harm from air pollution. Their respiratory defenses are not fully developed and their airways are smaller than those of adults. Pound for pound of body weight, children need more oxygen and inhale more pollutants than adults. Children generally spend more time active and outdoors than adults, so they are even more at risk. If we are going to protect our children, we must fight for enforcement of the Clean Air Act and continue on the path of achieving cleaner and cleaner air for our children to breathe.

Although “Clear Skies” has been at least temporarily derailed in the Senate, House Republicans are expected to pursue similar efforts in the House this year. Therefore, Democrats will continue to fight to block “Clear Skies” and fight for continued enforcement of the highly successful Clean Air Act, without watering down its standards.

Fighting GOP Efforts to Delay Controls on Toxic Mercury Emissions

Another important step in protecting our children’s health is reversing a new rule delaying controls on toxic mercury emissions, which the Bush Administration recently issued at the behest of corporate interests. Mercury contamination is a problem that particularly impacts pregnant women, babies and small children.

On March 15, 2005, the Bush Administration issued its final rule on mercury emissions from power plants. This new rule will allow more mercury into our environment than implementation of current

law, proposing no controls on mercury for more than a decade. The new rule also allows power plants to buy and sell the right to produce mercury emissions. This means that some power plants will end up doing nothing to curb mercury emissions, allowing mercury “hot spots” to persist, affecting the health of people living nearby.

In issuing this rule, the Bush Administration rejected comments from more than 500,000 citizens, the Government Accountability Office, and the EPA’s own Inspector General who expressed concern about the failure of the rule to adequately address mercury pollution.

Many House and Senate Democrats spoke out against the Administration’s mercury emissions rule when it was issued on March 15. Typical was the reaction of Rep. Tom Allen (D-ME), who stated:

“The public health and safety of the American people, especially infants, young children and women of childbearing age, demands the regulation of mercury as a hazardous air pollutant. Today, [the Bush Administration] issued a mercury air pollution rule, under court order, that fails to fulfill this responsibility, that ignores the intent of Congress and that violates the requirements of the Clean Air Act.

“EPA proposes no controls on mercury for more than a decade, delaying mercury pollution reductions for another generation, despite mercury levels in mothers that put one sixth of unborn children in America at risk. ... By issuing a rule literally written by polluters’ lawyers and blatantly in violation of law, after 184 Members of Congress, the EPA Inspector General and the GAO all warned the agency that it needed to significantly change course, EPA has stained its own credibility.”

The problem of mercury contamination begins with airborne mercury from power plants. Airborne mercury eventually ends up in rivers and lakes, where it is absorbed by fish that are then caught and eaten by people. Indeed, forty-four states have issued warning labels regarding mercury contamination, which has already contaminated more than 25 percent of bodies of water in the United States.

Mercury poses one of the most critical childhood health issues facing this country. Mercury is a potent toxin. Scientists have determined that human exposure to mercury is particularly dangerous for infants, children and pregnant women. Mercury interferes with brain development and more easily passes into the brains of fetuses and young children than into those of adults. Indeed, mercury has been linked to mental retardation, cerebral palsy, deafness and blindness in developing fetuses and infants.

The seriousness of the mercury problem cannot be overstated. Each year, 630,000 children are born with mercury levels above what EPA considers safe. Furthermore, according to the National Academy of Sciences, more than 60,000 children a year may suffer from learning disabilities caused by mercury exposures before birth.

House and Senate Democrats and many public health and environmental organizations have vowed to fight this new Bush mercury rule – both in the courts and in Congress. For the sake of our children, the Bush Administration must be forced to revisit this rulemaking process and issue a rule that truly protects the American public from mercury pollution.

Fighting GOP Efforts to Weaken the Clean Water Act

The Bush Administration and Congressional Republicans have also been working to weaken the protections of the Clean Water Act. An important step in protecting our children's health and leaving our children a legacy is fighting this Republican assault.

Like the Clean Air Act, the Clean Water Act has led to important successes. Since its enactment in 1972, the Clean Water Act has resulted in significant improvements in the water quality of our streams, lakes, estuaries, and coastal waters. Since 1972, we have been successful in cleaning up 55 percent of our bodies of water. Although much more still needs to be done, the Clean Water Act has proved to be one of our most important environmental laws. Once again, it makes no sense to turn our back on success.

However, the Bush Administration and Congressional Republicans are working to weaken the Clean Water Act. For example, Republicans are:

- Weakening the Clean Water Act by slashing its funding; and
- Weakening the Clean Water Act by weakening sewage treatment requirements.

As with the Clean Air Act, for the sake of our children's health, Democrats will spend the next two years fighting these GOP efforts. Clean drinking water and water that is safe for swimming and fishing are vital for our children's health and wellbeing.

Following is an overview of GOP efforts on weakening clean water protections.

Weakening Clean Water Act by Slashing Clean Water Funding

Although progress has been made under the Clean Water Act, much more needs to be done. The EPA estimates that approximately 45 percent of assessed waters nationwide do not yet fully meet water quality standards. This means these water bodies do not meet the basic goal of the Clean Water Act – that they be safe for uses like swimming, fishing, or as a drinking water source.

Furthermore, many sewage treatment systems have exceeded their effective lives and are crumbling because most were designed and built decades ago. Symptoms of the problem include aging pipes that leak or break and associated stormwater runoff that overwhelms treatment capacity. Between 23,000 and 75,000 sewage overflows occur nationwide every year, resulting in the release of 3 billion to 10 billion gallons of untreated wastewater, according to EPA estimates.

As a result of exposure to raw sewage, millions of Americans get sick every year after swimming in or drinking contaminated water. Victims often contract gastrointestinal and respiratory illnesses. Once again, children are more susceptible than adults to these illnesses – with in some cases the illnesses even becoming life-threatening.

Incredibly, at a time when American children face a clear and present danger from dirty water, the Bush Administration has undertaken a concerted effort to slash funding for the key Clean Water program – the Clean Water State Revolving Fund. This fund helps local communities meet water

quality standards, repair and replace old and decaying pipelines and treatment plants, and ensure continued progress toward restoring the health and safety of America's water bodies.

For FY 2005, President Bush proposed slashing the Clean Water State Revolving Fund by \$492 million – or by 37 percent. The Congress scaled back this cut somewhat – but still enacted a cut of \$251 million or 19 percent. Now, for FY 2006, President Bush is once again proposing slashing this clean water fund – this time by \$361 million or by 33 percent. Attached is a state-by-state table on how much Clean Water funding each state would lose under the proposed Bush cut for FY 2006. If this cut were to be enacted, it would mean slashing Clean Water funds by \$612 million or by 46 percent in two short years.

Democrats will fight to ensure that this proposed cut is rejected and that instead critically-needed clean water funding is restored.

Weakening Clean Water Act by Weakening Sewage Treatment Requirements

The Bush Administration is expected to soon finalize new rules that would weaken the Clean Water Act by allowing sewer operators to legally discharge inadequately treated sewage into our waterways whenever it rains. Under current law, sewage must be fully treated except during hurricanes and other extreme weather events. The new rules would expand that narrow allowance, allowing the routine release of largely untreated sewage virtually any time it rains – even when it is feasible to provide full treatment as required by current law.

These new rules would allow sewage plants to bypass a crucial step – known as “secondary treatment” – that removes most of the bacteria, parasites and other pathogens, as well as toxic chemicals, from sewage. Under the new rules, after mixing the waste with sewage that has been secondarily treated, large volumes of partially treated (or “blended”) sewage would be dumped directly into rivers and streams. Current law only allows use of sewage “blending” when there is no feasible alternative.

Expanding the use of sewage “blending” means that inadequately treated sewage will meet clean water standards only through massive dilution, not effective treatment. Consequently, the polluted wastewater will still contain large loads of pollutants that endanger public health.

Specifically, failure to fully treat sewage will lead to increased amounts of infectious bacteria, viruses, parasites, and toxic chemicals, which will make their way into our drinking water supplies, as well as waters we use for fishing, swimming and other recreation. Expanded use of sewage “blending” will therefore inevitably lead to an even larger number of waterborne illnesses, including hepatitis and dysentery, than occur today. And of particular concern, these waterborne illnesses pose an even greater danger to children than they do to adults.

Democrats will work to ensure that the Clean Water Act is not weakened by lowering the clean water standards that have served this country well over the last three decades.

Fighting GOP Efforts to Weaken the Safe Drinking Water Act

In another area that is very important to our children's health, the Bush Administration is weakening the protections of the Safe Drinking Water Act by refusing to establish safe levels of rocket fuel in our drinking water and to require cleanup of sources where levels would harm public health. Democrats will fight for establishing a safe level of rocket fuel in drinking water.

The problem of rocket fuel in drinking water has been receiving increasing attention across the country over the last few years.

Perchlorate is the dangerous component of rocket fuel. Perchlorate has been found in groundwater in 30 states and it is estimated that more than 20 million people have some levels of perchlorate in their drinking water. In addition, FDA has recently found perchlorate in milk and on lettuce.

Perchlorate contamination has become a top issue in children's health. Like mercury, exposure to perchlorate is considered particularly dangerous for fetuses and young children. Perchlorate has been shown to interfere with the thyroid gland, which plays a major role in children's brain development. Perchlorate contamination can thereby lead to behavior changes and delayed development in children.

On February 18, the Bush Administration released the first indication that it will not take action to protect the health of pregnant women, infants and children. Its non-enforceable "public health goal" for perchlorate in drinking water is much too weak. Public health groups, environmental groups, and Congressional Democrats immediately pointed out that this goal fails to protect America's infants and children. Erik Olson, an NRDC senior attorney, pointed out, "The EPA's new drinking water goal will not protect millions of Americans, especially infants and babies in the womb who are exposed to rocket fuel." He pointed out that the Bush Administration, in developing this inadequate goal, ignored the fact that children, infants and fetuses weigh less than adults, as well as the fact that perchlorate is also found in milk, lettuce, and other foods.

Democrats will fight for the Bush Administration to move quickly to establish a safe level of perchlorate in our drinking water – a level that fully protects our infants, children and pregnant women.

Fighting GOP Efforts to Abandon the "Polluter Pays" Principle for Toxic Waste Cleanup

Another issue key to children's health is the clean-up of the nation's worst toxic waste sites – sites that pose serious health and environmental risks for our children. Nearly one in four Americans, including 10 million children under the age of 12, lives within four miles of a Superfund site – a place identified by the EPA as having the worst toxic pollution.

For two decades (1980-2000), Americans relied upon the Superfund toxic waste cleanup program to protect their health, water supplies and communities. From the outset, Congress based the Superfund program on the "polluter pays" principle – with most of the costs borne by polluters and not ordinary taxpayers. During this 20-year period, hundreds of Superfund sites were successfully identified and cleaned up.

But now, within a few short years, the Bush Administration has dramatically undermined the Superfund program. At the behest of industry, the Bush Administration has undermined the program by becoming the first Administration to abandon the “polluter pays” principle. In 1995, 82 percent of Superfund funding came from the Superfund Trust Fund (funded by polluter-paid fees). But now, under the Bush budget, none of the funding comes from the Trust Fund (which is now empty). Under the Bush Administration, most of the clean-up costs have been shifted onto the American taxpayer.

By abandoning polluter-pays financing at the behest of industry, the Bush Administration has weakened the funding of the Superfund program. The Superfund program must now compete with other environmental priorities, such as clean air and water programs, for limited funding. As a result, funding levels have fallen. Funding for Superfund in 2002 and 2003 was the lowest since 1988. Indeed, a report prepared by the General Accounting Office in 2004 showed that the funding for Superfund, when adjusted for inflation, was 34 percent lower in 2004 than it had been in 1993.

The lower funding levels for Superfund under the Bush Administration have translated into slower cleanups. The average annual number of Superfund site cleanups has fallen drastically under the Bush Administration. It has fallen from an average of 76 cleanups a year under President Clinton to an average of 43 cleanups a year under President Bush. In fact, the EPA itself has admitted publicly the serious funding problems facing Superfund. On December 2, 2004, Assistant EPA Administrator Thomas Dunne noted, “For the last three years, we haven’t started cleanup at some sites. If we assume that EPA’s budget will remain flat for the foreseeable future, construction funding could be delayed at more and more sites. Within a few years, unfunded cleanup work could total several hundred million dollars.”

The lack of adequate funding for Superfund cleanups is a serious child health issue. Superfund sites that have not yet been cleaned up poison our land, water and air with toxic chemicals that can cause cancer, birth defects, liver, brain, and nerve damage, as well as other health problems – and once again children are most vulnerable to these health risks.

An example is Elam Jacob, who is one of more than 2,600 children with high lead levels in East Omaha, Nebraska, an inner-city neighborhood that ranks as one of the most dangerous Superfund sites in the nation. These children have been inhaling lead-laced dust blowing in from the Superfund site, the location of a defunct smelter dating to 1871. As a result of this lead poisoning, Elam has suffered brain damage and has failed to learn to speak. There are stories like Elam’s all across the country.

For the sake of Elam and the hundreds of other children like him, Democrats will fight to restore Superfund funding to a level that will support an aggressive rate of cleanups across the country and to restore the “polluter pays” principle.

Fighting GOP Efforts to Open Arctic Refuge to Oil and Gas Drilling

Finally, another way that Democrats will fight for our children and their future over the next two years is to fight the ongoing Republican efforts to open, for the first time, the pristine coastal plain of the Arctic National Wildlife Refuge (ANWR) to oil and gas drilling. Democrats believe that we have a moral responsibility to preserve our national treasures – such as the Arctic Refuge – for our children and our grandchildren.

National polls show that a majority of Americans, from all walks of life, agree with Democrats that we should not sacrifice one of the last, wild, untouched places in the United States.

The Arctic coastal plain is truly a unique place. Because of the abundance and variety of its wildlife – including polar bears, grizzly bears, snow geese, 135 species of migratory birds, eagles, wolves, sheep, and muskox – it has been compared to Africa’s Serengeti. The plain also serves as the calving ground of the Porcupine Caribou herd, on which the Gwich’in People of Alaska and Canada depend for their traditional way of life. Americans don’t want to sacrifice this unique wildlife refuge for the sake of, in effect, a thimble-full of oil.

The Arctic National Wildlife Refuge would provide only a six-month supply of oil – which would not be available for ten years. This is not a political argument but one based on nonpartisan scientific analysis of the issue. According to the 1998 U.S. Geological Survey study, there is estimated to be 3.2 to 5.2 billion barrels of economically recoverable oil in the Arctic Refuge. This is equivalent to the amount of oil the U.S. consumes in about six months. And according to the nonpartisan Congressional Research Service, production from the Arctic Refuge would not even come on line for 10 years or more.

It is clear that drilling in the Arctic Refuge won’t bring down gas prices and won’t bring us any closer to energy independence. Americans simply don’t support drilling in one of the most environmentally pristine areas in the world just for a six-month supply of oil. In short, the Arctic refuge is too precious, and contains too little oil, for us to allow drilling to take place.

Senate Republicans succeeded in placing provisions calling for drilling in the Arctic Refuge in the Senate budget resolution and will make an effort to have these provisions included in the final budget conference report. If included in the budget conference report, the GOP-controlled Congress will then make an attempt to include Arctic Refuge drilling provisions in the Budget Reconciliation Act to be considered by the House and Senate later this year and which (because it is immune from filibuster) can be passed with the support of only 51 (and not 60) Senators.

As a result, Democrats will spend the next several months using the legislative tools available to fight to protect this pristine wilderness for our children and grandchildren and block the Arctic refuge drilling provisions from being enacted into law.

Conclusion

On Earth Day, Democrats are rededicating ourselves to protect our children, our children’s health and our children’s future. In area after area, at the behest of corporate special interests, the Bush Administration is attempting to roll back key bipartisan achievements regarding environmental protection – from the Clean Air Act of 1970 to the Clean Water Act of 1972 to the Superfund Act of 1980. For the sake of our children and grandchildren, Democrats will fight to protect these landmark environmental achievements and work to ensure that the country continues to make progress on making our air and water cleaner, cleaning up our toxic waste sites, and preserving our most valuable natural treasures.

CUTS IN STATES' CLEAN WATER REVOLVING LOAN FUNDS IN THE FY 2006 BUSH BUDGET

STATE	TOTAL CUT
Alabama	\$4,027,000
Alaska	\$2,155,000
Arizona	\$2,432,000
Arkansas	\$2,356,000
California	\$25,754,000
Colorado	\$2,880,000
Connecticut	\$4,411,000
Delaware	\$1,768,000
District of Columbia	\$1,768,000
Florida	\$12,155,000
Georgia	\$6,088,000
Hawaii	\$2,789,000
Idaho	\$1,768,000
Illinois	\$16,286,000
Indiana	\$8,678,000
Iowa	\$4,874,000
Kansas	\$3,250,000
Kentucky	\$4,583,000
Louisiana	\$3,959,000
Maine	\$2,787,000
Maryland	\$8,709,000
Massachusetts	\$12,226,000
Michigan	\$15,483,000
Minnesota	\$6,619,000
Mississippi	\$3,244,000
Missouri	\$9,982,000
Montana	\$1,768,000
Nebraska	\$1,842,000

CUTS IN STATES' CLEAN WATER REVOLVING LOAN FUNDS IN THE FY 2005 BUSH BUDGET

STATE	TOTAL CUT
Nevada	\$1,768,000
New Hampshire	\$3,599,000
New Jersey	\$14,715,000
New Mexico	\$1,768,000
New York	\$39,746,000
North Carolina	\$6,499,000
North Dakota	\$1,768,000
Ohio	\$20,272,000
Oklahoma	\$2,909,000
Oregon	\$4,068,000
Pennsylvania	\$14,264,000
Rhode Island	\$2,418,000
South Carolina	\$3,689,000
South Dakota	\$1,768,000
Tennessee	\$5,231,000
Texas	\$16,459,000
Utah	\$1,897,000
Vermont	\$1,768,000
Virginia	\$7,369,000
Washington	\$6,262,000
West Virginia	\$5,613,000
Wisconsin	\$9,735,000
Wyoming	\$1,768,000
TOTAL	\$361,000,000

Source: Federal Funds Information for States